

**Plaintiff Lazare Kaplan International Inc.'s
Deposition Designations for Marc Weiss
2/16/2016**

TextMap Annotation Digest Report

Case Name: Plaintiff Lazare Kaplan International Inc.'s Deposition Designations for Marc Weiss 2/16/2016
Transcript: [10/13/2015] Weiss, Marc
Issue Filter: Depo Designation

Pg: 5 Ln: 5 - 9

Annotation:

5: 5 Q. Okay. Good morning, Mr. Weiss.
 6 My name is Chris Sullivan and I
 7 represent Lazare Kaplan International
 8 and I'm with the law firm of Herrick
 9 Feinstein.

Pg: 6 Ln: 2 - 10

Annotation:

6: 2 Q. Where do you live?
 3 A. I live in St. James, New York.
 4 Q. What is your current address?
 5 A. 264 Lincoln Avenue, St. James,
 6 New York.
 7 Q. How long have you lived there?
 8 A. About 25 years.
 9 Q. Are you an American citizen?
 10 A. Yes, I am.

Pg: 7 Ln: 5 - 25

Annotation:

7: 5 Q. And just for convenience sake,
 6 I'm going to use some abbreviations
 7 which hopefully will make today's
 8 session move for smoothly.
 9 I'm going to refer to Lazare
 10 Kaplan International, Inc. as Lazare;
 11 I'm going to refer to Antwerpse
 12 Diamantbank Bank NV as ABD; the New
 13 York office of ADB will be the New York
 14 office of ADB; and KBC Bank NV will be
 15 KBC; and the New York branch of KBC
 16 will be KBC New York, unless you or I
 17 specify otherwise. Do you understand?
 18 A. Yes.
 19 Q. And unless I specify otherwise
 20 or you specify otherwise, the relevant
 21 period of time for all of my questions
 22 will be the 10 years between January 1,
 23 2000 and December 31, 2010. Is that
 24 clear?
 25 A. Yes.

Pg: 8 Ln: 4 - 15

Annotation:

8: 4 Q. Are you under a contractual
 5 obligation of any kind to cooperate
 6 with Antwerp Diamond Bank or KBC in

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Pg: 8 Ln: 4 - 15 continued...

Annotation:

8: 7 connection with this lawsuit?
 8 A. I don't understand when you say
 9 "contractual".
 10 MS. GREDD: I could jump in here
 11 and possibly make it easier. Mr. Weiss
 12 has a Separation Agreement with the
 13 bank and that Separation Agreement,
 14 among other things, has a cooperation
 15 with ongoing litigation clause.

Pg: 8 Ln: 25 - Pg: 10 Ln: 15

Annotation:

8:25 Q. Do you speak any foreign
 9: 1 languages?
 2 A. No, I do not.
 3 Q. Are you currently employed?
 4 A. Yes, I am.
 5 Q. Where are you employed?
 6 A. Sterling National Bank.
 7 Q. And what is your job title or
 8 position at Sterling national bank?
 9 A. My job title is Managing
 10 Director. The position is Commercial
 11 Loan Officer.
 12 Q. What are your responsibilities
 13 there?
 14 A. Meeting clients and prospects,
 15 gathering information and submitting
 16 packages for lines of credit.
 17 Q. When did you first start working
 18 at Sterling bank?
 19 A. Latter part of August, this
 20 year.
 21 Q. Okay. Prior to that were you
 22 employed by ADB?
 23 A. Yes.
 24 Q. And when did you first start
 25 working for ADB?
 10: 1 A. November, 1999.
 2 Q. Were you employed by ADB
 3 continuously from December -- January
 4 1, 2000 through December 31, 2010?
 5 A. Yes, I was.
 6 Q. Okay. And when did you actually
 7 leave ADB's employment?
 8 A. I left was April 30th, 2015.
 9 Q. Okay. Do you continue to receive
 10 any compensation from ADB?
 11 A. No, I do not.

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Pg: 8 Ln: 25 - Pg: 10 Ln: 15 continued...

Annotation:

10:12 Q. Were you asked to leave ADB's
 13 employment?
 14 A. No. I was -- the office was
 15 closed, my position was terminated.

Pg: 14 Ln: 2 - 13

Annotation:

14: 2 Q. Do you hold any professional
 3 certifications or licenses of any kind?
 4 A. No, I do not.
 5 Q. Do you have any specialized
 6 training or education in regard to
 7 diamonds or diamond companies?
 8 A. No, I do not.
 9 Q. As of December, 2000, how much
 10 experience had you had with diamond
 11 clients of ADB?
 12 A. I started in November, 1999.
 13 That was my experience.

Pg: 16 Ln: 13 - Pg: 17 Ln: 13

Annotation:

16:13 Q. I see. Okay. So let's talk a
 14 little bit about ADB. When you first
 15 started with ADB? What was your
 16 position or job title there?
 17 A. I was, I believe, was Senior
 18 Representative Officer.
 19 Q. And did you hold that position
 20 in the New York office of ADB?
 21 A. In the New York representative
 22 offices, yes.
 23 Q. Okay. And what were your
 24 responsibilities in that position?
 25 A. My responsibilities were
 17: 1 meeting -- meeting with potential
 2 prospects or clients, gathering
 3 information and sending that
 4 information to ADB head office for
 5 review.
 6 Q. And did that include diamond
 7 clients of ADB?
 8 A. Yes.
 9 Q. And did your position at ADB
 10 change during the 10 year period of
 11 time that we're investigating?
 12 A. During I believe around 2005 I
 13 became the manager of the office.

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Pg: 18 Ln: 7 - Pg: 19 Ln: 15

Annotation:

18: 7 Q. Did Mr. Rogow hold that position
 8 prior to your promotion?
 9 A. Yes.
 10 Q. And during what time did he
 11 serve in that position?
 12 A. He served approximately, maybe,
 13 a few years. I don't remember exactly
 14 the term.
 15 Q. Did he replace Peter Driesen in
 16 that position?
 17 A. Yes, he did.
 18 Q. Do you know why Mr. Driesen was
 19 replaced?
 20 A. No, I do not.
 21 Q. Did Mr. Rogow tender his
 22 resignation? Did he resign voluntarily?
 23 A. I believe so, yes.
 24 Q. And as of this date what were
 25 the names of the other people that
 19: 1 worked in the -- professional people
 2 that worked in the New York office of
 3 ADB?
 4 A. At the time the administrative
 5 assistant was Diana David, there was
 6 another gentleman, Oakley Champine and
 7 there was a prior to that there was
 8 another lady, I forgot her name, I
 9 don't know if she was still there when
 10 Mr. Rogow resigned.
 11 Q. Do you recall her name?
 12 A. No, I don't. I'd be guessing.
 13 Q. Did you help set up the New York
 14 office of ADB?
 15 A. No, I did not.

Pg: 20 Ln: 5 - Pg: 22 Ln: 7

Annotation:

20: 5 Q. And did you spend your entire
 6 tenure at ADB working in the New York
 7 office of ADB?
 8 A. Yes, I did.
 9 Q. At any given time how many
 10 different bankers worked in that
 11 office?
 12 A. At most I think there were -- I
 13 think there were five people.
 14 Q. And did any of them work on the
 15 Lazare credit facility?
 16 A. Usually the people that worked

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Pg: 20 Ln: 5 - Pg: 22 Ln: 7 continued...

Annotation:

20:17 on it was usually the -- it was
 18 Philippe Loral and the person who -- in
 19 the beginning it was Peter Driesen and
 20 Philippe Loral who worked on the file.
 21 After that I don't, you know -- I think
 22 for a number of years it was Oakley
 23 worked with Philippe Loral on it and in
 24 between I don't recall.
 25 Q. Did you work on the Lazare file?
 21: 1 A. No, I did not.
 2 Q. What was the chain of command in
 3 the New York office prior to 2005 when
 4 you were appointed to Senior Vice
 5 President and General Manager is that?
 6 Who reported to who?
 7 A. The department head was Peter
 8 Driesen and he reported directly to
 9 Philippe Loral.
 10 Q. And to whom did you report?
 11 A. I reported to Peter Driesen.
 12 Q. And after you were appointed to
 13 Senior Vice President and General
 14 Manager, what was the chain of command
 15 in the office?
 16 A. I reported to Philippe Loral.
 17 Q. And did everyone else in the
 18 office report to you?
 19 A. Yes.
 20 Q. I see. And what were your
 21 responsibilities in the office prior to
 22 being promoted to Senior Vice President
 23 and General Manager?
 24 A. Meeting with prospects and
 25 customers, gathering information,
 22: 1 responding to their requests and
 2 sending all that information to ADB
 3 head office for their review and for
 4 their consideration.
 5 Q. And did your responsibilities
 6 change after your promotion in 2005?
 7 A. Not really.

Pg: 22 Ln: 8 - 22

Annotation:

22: 8 Q. Were you familiar during the 10
 9 year period of time with different
 10 clients of the New York office of ADB?
 11 A. Yes.
 12 Q. Did you have access to ADB's

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Pg: 22 Ln: 8 - 22 continued...

Annotation:

22:13 records of those banking clients'
 14 activity in New York?
 15 MS. GREDD: Objection to form.
 16 A. There were no records in New
 17 York. Everything was kept in ADB head
 18 office.
 19 Q. Did you have access to the
 20 records that were kept in the head
 21 office?
 22 A. No.

Pg: 27 Ln: 20 - Pg: 28 Ln: 3

Annotation:

27:20 Q. While you were working in ADB's
 21 New York office did you have the
 22 ability to print copies of bank
 23 statements of customers who had credit
 24 facilities with ADB in Belgium?
 25 A. No. If he wanted something
 28: 1 Belgium would -- would scan and e-mail
 2 it to us. I didn't have access to their
 3 systems.

Pg: 30 Ln: 14 - Pg: 33 Ln: 6

Annotation:

30:14 (Plaintiff's Exhibit 65, was
 15 received and marked on this date for
 16 identification.)
 17 Q. Would you turn to Plaintiff's
 18 Exhibit 65 in the same binder? Do you
 19 recognize this document?
 20 A. Yeah.
 21 Q. Does this document describe the
 22 job duties of the Senior Vice
 23 President, General Manager of the New
 24 York office of ADB?
 25 MS. GREDD: Let me just stop
 31: 1 there. The tab actually has a couple of
 2 documents. Are you referring to the
 3 document --
 4 MR. SULLIVAN: First two pages
 5 before --
 6 MS. GREDD: -- Bates 62097 and
 7 62098?
 8 MR. SULLIVAN: Correct.
 9 A. Okay.
 10 Q. And directing your attention to
 11 the category "General management" is

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Pg: 30 Ln: 14 - Pg: 33 Ln: 6 continued...

Annotation:

31:12 this list of the duties of the Senior
 13 Vice President General Manager of the
 14 New York office of ADB?
 15 A. Looks okay.
 16 Q. And is that the position to
 17 which you were promoted in 2005 Senior
 18 Vice President General Manager?
 19 A. Yes.
 20 Q. So are these then the duties
 21 that were assigned to you on and after
 22 your promotion in 2005?
 23 A. Yes.
 24 Q. And with reference to this list,
 25 do you see the bullet point that reads
 32: 1 "To maintain contacts with KBC New York
 2 and supervise the Service Level
 3 Agreement with this bank"?
 4 A. Yes.
 5 Q. What does the Service Level
 6 Agreement refer to in this document?
 7 A. I don't know. There were several
 8 Service Level Agreements.
 9 Q. Who were those Service Level
 10 Agreements between?
 11 A. The Service Level Agreements
 12 were between ADB and KBC.
 13 Q. And how many different Service
 14 Level Agreements were there?
 15 A. I believe there were several.
 16 Q. And were those agreements all
 17 between the New York branch of KBC and
 18 ADB?
 19 A. They were negotiated, yes. They
 20 were agreed to between ADB head office
 21 and the KBC New York branch.
 22 Q. And do you recall the dates of
 23 those different agreements?
 24 A. No.
 25 Q. Did you, yourself -- I'm testing
 33: 1 your memory. It's okay. You're doing
 2 fine.
 3 Did you, yourself, have any
 4 responsibility with respect to any of
 5 those agreements?
 6 A. Not really.

Pg: 33 Ln: 25 - Pg: 35 Ln: 13

Annotation:

33:25 Q. Okay. And directing your

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Pg: 33 Ln: 25 - Pg: 35 Ln: 13 continued...

Annotation:

34: 1 attention to Exhibit 57 for the moment,
 2 can you tell me whether you recognize
 3 that document?
 4 A. Yes. This is the Service Level
 5 Agreement for the mirror accounts that
 6 KBC opened up in support of our
 7 clients.
 8 Q. And is this the agreement that
 9 is referenced in Plaintiff's Exhibit 65
 10 as in the bullet point that reads "To
 11 maintain contacts with KBC New York and
 12 supervise the Service Level Agreement
 13 with this bank"?
 14 A. Obviously, it's not specific. It
 15 could be.
 16 Q. But you are familiar with the
 17 Service Level Agreement that's annexed
 18 in the binder as Plaintiff's Exhibit
 19 57?
 20 A. Yes.
 21 Q. And when did you see this
 22 document for the first time?
 23 A. I believe sometime when I first
 24 started working for the bank.
 25 Q. You weren't involved in the
 35: 1 preparation of this document?
 2 A. Absolutely not.
 3 Q. And do you recall who brought
 4 the document to your attention for the
 5 first time?
 6 A. I would -- if I had to guess it
 7 was either Philippe Loral or Peter
 8 Driesen.
 9 Q. And this document is between
 10 Antwerpse Diamantbank NV in Belgium and
 11 KBC New York, New York branch. Is that
 12 correct?
 13 A. Yes.

Pg: 35 Ln: 21 - Pg: 36 Ln: 9

Annotation:

35:21 You see the reference under
 22 "Whereas", the fourth paragraph that
 23 reads "ADB agrees to open a pooling
 24 account with KBC", and continuing?
 25 A. Yes.
 36: 1 Q. So with reference to this
 2 document, do you know what pooling
 3 account is being described in this

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Pg: 35 Ln: 21 - Pg: 36 Ln: 9 continued...

Annotation:

36: 4 document?
 5 A. No, I do not.
 6 Q. And do you know by reference to
 7 this document what the purpose of a
 8 pooling account was?
 9 A. No.

Pg: 38 Ln: 5 - 21

Annotation:

38: 5 Q. Let's take a look at Plaintiff's
 6 Exhibit 57 a little more carefully. You
 7 have that in front of you?
 8 A. Yes.
 9 Q. Take a look at the first
 10 "Whereas" clause that reads "ADB wishes
 11 to expand its business to the New York
 12 diamond market".
 13 What kind of business was ADB
 14 looking to expand to the New York
 15 diamond market?
 16 MS. GREDD: Objection to form.
 17 A. ADB was -- wanted to expand its
 18 presence, was setting up a
 19 representative office in New York to
 20 find new customers and to finance their
 21 working capital.

Pg: 40 Ln: 21 - Pg: 41 Ln: 7

Annotation:

40:21 Q. What was the nature of the
 22 credit facility that Lazare provided --
 23 that ADB provided to Lazare? Was it a
 24 working capital line of credit?
 25 A. As best as I can recollect, all
 41: 1 the clients had working capital lines
 2 of credit. I don't recall the terms and
 3 additions but there were -- as best as
 4 I can recollect, they were all working
 5 capital lines of credit.
 6 Q. And that would include Lazare?
 7 A. Yes.

Pg: 46 Ln: 11 - Pg: 48 Ln: 4

Annotation:

46:11 Q. Which bank effectuated the local
 12 and international payments that are
 13 referred to in this "Whereas" clause?

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Pg: 46 Ln: 11 - Pg: 48 Ln: 4 continued...

Annotation:

46:14 MS. GREDD: Objection to form.
 15 A. Like I said before, it was a
 16 mirror account when the payments came
 17 in and out.
 18 Q. So you don't know whether -- --
 19 A. No.
 20 Q. -- that this -- whether this
 21 paragraph refers to ADB or KBC as the
 22 party effectuating local and
 23 international payments?
 24 A. I cannot follow this document. I
 25 didn't set it up, so I can't walk you
 47: 1 through it.
 2 Q. But it is correct that one of
 3 your responsibilities as Senior Vice
 4 President General Manager was to
 5 supervise this document, was it not?
 6 A. Absolutely, but it was also my
 7 responsibility not to supersede the
 8 head of International Relations.
 9 Q. Who is the head of International
 10 Relations?
 11 A. Philippe Loral.
 12 Q. And what do you mean, supersede
 13 him?
 14 A. Mr. Loral set up the document.
 15 He oversaw it and he initiated it. As
 16 long as there wasn't a question or
 17 problem I don't recall anything being
 18 needed to supervise.
 19 Q. So is it your testimony that
 20 your job responsibility of supervising
 21 the Service Level Agreement was limited
 22 to dealing with problems that arose in
 23 regard to the agreement?
 24 A. If a problem arose that wasn't
 25 taken care of at head office or by
 48: 1 Philippe Loral, I guess maybe I would
 2 get a phone call.
 3 Q. Did that ever happen?
 4 A. Not that I recall.

Pg: 56 Ln: 20 - Pg: 57 Ln: 3

Annotation:

56:20 Q. Would you look at Plaintiff's
 21 Exhibit 55 in the same binder that is
 22 in front of you? Do you recognize this
 23 document?
 24 A. Yes.

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Pg: 56 Ln: 20 - Pg: 57 Ln: 3 continued...

Annotation:

56:25 Q. What is it?
 57: 1 A. It's an authorization between
 2 ADB and the client to exchange
 3 information.

Pg: 58 Ln: 1 - Pg: 59 Ln: 11

Annotation:

58: 1 Q. Did any of your clients sign
 2 either a document in this form or
 3 substantially in this form?
 4 A. Yes, they did.
 5 Q. Did they all do so?
 6 A. I believe so.
 7 Q. And did you prepare any of those
 8 documents?
 9 MS. GREDD: Objection to form.
 10 A. You mean --
 11 Q. -- that your clients signed?
 12 A. I didn't prepare any documents.
 13 I gave documents for the clients to
 14 sign.
 15 Q. And directing your attention to
 16 the first sentence that reads, "We
 17 hereby agree that all disbursements and
 18 payments under our credit facility
 19 shall be effected", etcetera, do you
 20 understand that sentence to require
 21 that all disbursements and payments
 22 under the client's credit facility with
 23 ADB must be effected through its bank
 24 account at KBC New York or is it
 25 optional?
 59: 1 A. I believe the intent is that all
 2 the payments should be processed
 3 through the account with KBC New York.
 4 Q. Is that mandatory or optional,
 5 according to your understanding?
 6 A. I'm not a lawyer.
 7 Q. But do you have an understanding
 8 as a banker?
 9 A. As a banker, the purpose was
 10 that they should make -- put all their
 11 payments through KBC New York.

Pg: 59 Ln: 18 - Pg: 60 Ln: 10

Annotation:

59:18 Q. Do you understand this document
 19 to be -- to have been provided to KBC

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Pg: 59 Ln: 18 - Pg: 60 Ln: 10 continued...

Annotation:

59:20 New York --
 21 MS. GREDD: Objection to form.
 22 Q. -- Plaintiff's Exhibit 55?
 23 A. This was provided to the clients
 24 to sign.
 25 Q. And what happened to the
 60: 1 documents after the client signed it?
 2 MS. GREDD: Are you referring
 3 specifically to the Lazare document?
 4 MR. SULLIVAN: Yes. Plaintiff's
 5 Exhibit 55.
 6 A. A copy was -- a copy was given
 7 to KBC and to ADB.
 8 Q. What happened to the original,
 9 if you know?
 10 A. Oh, I don't know.

Pg: 90 Ln: 6 - Pg: 100 Ln: 25

Annotation:

90: 6 Q. Who had anti-money laundering
 7 responsibility for the transactions
 8 that ran through the KBC New York
 9 accounts of ADB's clients?
 10 A. KBC New York had its own
 11 compliance department.
 12 Q. Did ADB have any AML or KYC
 13 responsibility with respect to
 14 transactions in those accounts?
 15 A. ADB head office also had
 16 compliance.
 17 Q. How about the New York office of
 18 ADB, did anyone in that office perform
 19 any AML or KYC duties with respect to
 20 transactions that ran through customer
 21 accounts at KBC?
 22 A. We also were under compliance,
 23 but the initial accounts, the AML and
 24 compliance, was effected, was done by
 25 KBC individually and effected by ADB
 91: 1 head office individually.
 2 Q. Did you, yourself, have any AML
 3 or KYC responsibilities?
 4 A. Yes, we did.
 5 Q. You, yourself?
 6 A. We, as an office, had
 7 responsibilities. Yes, we did.
 8 Q. What were your responsibilities?
 9 A. To understand the laws of AML
 10 and BSA and to observe them and if

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Pg: 90 Ln: 6 - Pg: 100 Ln: 25 continued...

Annotation:

91:11 there was a -- if there was a situation
 12 or problem we're responsible to do a
 13 SAR report.
 14 (Plaintiff's Exhibit 79, was
 15 received and marked on this date for
 16 identification.)
 17 Q. So can I direct your attention
 18 to Exhibit 79 in your binder and in
 19 particular the second page? Do you
 20 recognize this document?
 21 A. Yes.
 22 Q. Do you see the second paragraph
 23 that refers to you as "the appointed
 24 Compliance Officer"?
 25 A. Yes.
 92: 1 Q. Can you explain what your duties
 2 were in that capacity?
 3 A. My duties were to be familiar
 4 with the AML BSA policies of the bank
 5 including attending training sessions.
 6 Q. And turning to the next page
 7 that's headed "Section 1. Background."
 8 Do you understand that document?
 9 A. Yes.
 10 Q. And what is this document?
 11 A. This was the document that was
 12 given to the bank and regulatory
 13 authorities when they were doing their
 14 bank exam of the New York
 15 Representative Office.
 16 Q. Is the information in italics
 17 under each number a response to a
 18 question or request for information?
 19 A. Yes.
 20 Q. Who prepared this document?
 21 A. It was prepared initially out of
 22 head office with our cooperation and
 23 our assistance.
 24 Q. "Our" is the New York office of
 25 ADB?
 93: 1 A. Yes.
 2 Q. And do you know who this
 3 document was provided to?
 4 A. The banking authorities.
 5 Q. Which banking authorities?
 6 A. I don't know. New York State
 7 Banking and, I guess, the Fed. I don't
 8 recall the exact names of the
 9 authorities.
 10 Q. And flipping forward six pages

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Pg: 90 Ln: 6 - Pg: 100 Ln: 25 continued...

Annotation:

93:11 to the page that's numbered in the
 12 lower right-hand corner 61859 --
 13 A. 61 --
 14 Q. -- 61859.
 15 MS. GREDD: If you look down at
 16 the lower corner.
 17 THE WITNESS: It says 18.
 18 MS. GREDD: 61859.
 19 THE WITNESS: Oh. 61 --
 20 Q. -- 859.
 21 A. Yes.
 22 Q. Do you recognize the reference
 23 under the heading "Section 4.
 24 Compliance" and in italics that reads
 25 "ADB Antwerp has appointed Marc Weiss
 94: 1 as the officer responsible for
 2 compliance at our New York
 3 Representative Office"?
 4 A. Yes.
 5 Q. Is that the role you were just
 6 describing that you played in
 7 connection with AML and KYC --
 8 A. Yes.
 9 Q. -- responsibilities?
 10 And do you see under paragraph 2
 11 on this page the reference that reads,
 12 "It should be noted that the New York
 13 representative office of Antwerp
 14 Diamond Bank, Antwerp does not handle,
 15 process or conduct any banking
 16 transactions for the bank's clients,
 17 nor is it authorized to handle those
 18 banking transactions?"
 19 Do you see where I'm reading?
 20 A. Yes.
 21 Q. Is it correct that ADB New York
 22 did not handle or process any banking
 23 transactions for Lazare?
 24 A. When you say "handle", I'm not
 25 sure what you mean.
 95: 1 Q. Well, what do you understand the
 2 reference in this italicized sentence
 3 that I just read to you "to handle,
 4 process or conduct" to refer to?
 5 A. Yes. We did not originate or
 6 approve or -- no. Correct.
 7 Q. Correct, that you did not
 8 originate, approve any banking
 9 transactions for Lazare?
 10 A. Correct.

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Pg: 90 Ln: 6 - Pg: 100 Ln: 25 continued...

Annotation:

95:11 MS. GREDD: Objection to form.
 12 Q. And is your understanding of the
 13 words "handle, process or conduct" that
 14 they refer to "originate or approve"?
 15 MS. GREDD: Objection to form.
 16 A. We -- Antwerp Diamond Bank, we
 17 did not -- the representative office
 18 did not have any checking accounts, we
 19 didn't have -- we did not have any
 20 credit authority, we operated strictly
 21 under the laws of the representative
 22 office under the State Banking laws. I
 23 think it's all clearly documented.
 24 Q. Do you know whether Lazare ever
 25 conducted any transactions before it
 96: 1 opened a bank account at KBC New York?
 2 A. I don't recall.
 3 Q. Do you recall that -- do you
 4 recall when Lazare opened its bank
 5 account at the New York branch of KBC
 6 New York?
 7 A. No.
 8 Q. Do you recall whether Lazare
 9 ever entered into straight loan
 10 arrangements with ADB during the
 11 relevant time period?
 12 A. They could have.
 13 Q. Well, do you recall one way or
 14 another?
 15 A. No. I don't recall which clients
 16 went into straight loans.
 17 Q. Do you know what a straight loan
 18 is?
 19 A. Yes.
 20 Q. What is your understanding of
 21 what a straight loan is?
 22 A. A straight loan is when a client
 23 has an overdraft facility they can take
 24 a -- they can take an advance for a
 25 specified period, for a week or two
 97: 1 weeks. It's a fixed loan for a
 2 referenced period of time.
 3 Q. Did you ever play any role in
 4 connection with straight loans provided
 5 by ADB to Lazare?
 6 A. Define "role"?

7 Q. Did you ever do anything in
 8 connection with --

9 A. I maybe passed papers back and
 10 forth or client said I want to do a

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Pg: 90 Ln: 6 - Pg: 100 Ln: 25 continued...

Annotation:

97:11 straight loan, we would pass on the
 12 information. Whatever the client wanted
 13 to do we would pass the request onto
 14 head office. If they called us up or
 15 they sent us an e-mail, we would take
 16 all the client's requests and pass it
 17 to head office.
 18 Q. Did you, yourself, interface at
 19 all with either State or Federal
 20 Compliance or regulatory authorities in
 21 the course of your work?
 22 A. Yes. When they came to the
 23 office I would offer up the questions,
 24 answering all the questions they had
 25 and answer any other questions they had
 98: 1 about the office or how it operates.
 2 Q. Were U.S. or New York State
 3 regulators given access to ADB bank
 4 records regarding customer accounts at
 5 KBC New York?
 6 A. Not that I know of.
 7 Q. Were they given access to any
 8 ADB bank records of any kind?
 9 A. Only what's in their report.
 10 Q. Can you flip forward a few pages
 11 to the page that's marked in the lower
 12 right-hand corner 61862 and tell me
 13 whether you recognize that document?
 14 A. It's an e-mail between, I guess,
 15 KBC to ADB regarding BSA compliance,
 16 getting information.
 17 Q. Did KBC play any role with
 18 respect to ADB's AML or KYC obligations
 19 in New York?
 20 MS. GREDD: Objection to form.
 21 A. We -- KBC New York provided a
 22 training session, an annual session for
 23 compliance.
 24 Q. They provided that training
 25 session to ADB?
 99: 1 A. They allowed ADB New York staff
 2 to attend their compliance, annual
 3 training session.
 4 Q. Did KBC do anything else in
 5 regard to ADB's AML or KYC obligations?
 6 A. Not that I recall.
 7 Q. Did KBC New York verify the
 8 transactions effectuated through
 9 Lazare's bank account at KBC New York
 10 involved diamonds?

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Pg: 90 Ln: 6 - Pg: 100 Ln: 25 continued...

Annotation:

99:11 MS. GREDD: Objection to form.
 12 A. I don't know.
 13 Q. Do you know whether anyone at
 14 ADB or KBC ever verified the
 15 transactions effectuated through an
 16 account at KBC New York involved
 17 diamond?
 18 MS. GREDD: Objection to form.
 19 A. I don't know.
 20 Q. Did ADB -- did the New York
 21 office of ADB play any role with
 22 respect to compliance issues associated
 23 with dollar denominated transactions of
 24 clients of the office?
 25 A. Repeat that question? I'm sorry.
 100: 1 Q. Did the New York office of ADB
 2 have any specific responsibilities or
 3 take any steps, any compliance-related
 4 steps in connection with dollar
 5 denominated transactions of its clients
 6 or customers?
 7 MS. GREDD: Objection to form,
 8 and to the extent you're broadening
 9 this to include questions about
 10 customers of ADB, other than Lazare, I
 11 think we're getting into an area that's
 12 clearly beyond the scope of this
 13 deposition.
 14 Q. Do you understand the question?
 15 A. Are you asking a compliance
 16 question?
 17 Q. Let's start with a compliance
 18 question and those general terms.
 19 A. KBC -- any accounts that KBC
 20 opened were responsible for compliance,
 21 any accounts at ADB opened were
 22 responsible for compliance. ADB -- ADB
 23 New York we had no accounts, we had no
 24 checking accounts, we were just a rep
 25 office. So I'm confused.

Pg: 102 Ln: 6 - Pg: 104 Ln: 21

Annotation:

102: 6 Q. Was anyone, apart from you,
 7 responsible for compliance issues in
 8 the New York office of ADB?
 9 A. No. We all went to training and
 10 if there was a suspicious activity we
 11 were required to create a SAR report.

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Pg: 102 Ln: 6 - Pg: 104 Ln: 21 continued...

Annotation:

102:12 MS. GREDD: Mr. Weiss, I would
 13 caution you, for reasons I'm sure
 14 Mr. Sullivan understands perfectly
 15 well, not to reveal whether any SAR
 16 reports were, in fact, filed.
 17 Q. Who at the New York branch of
 18 KBC was responsible for AML or KYC
 19 reporting?
 20 A. At KBC New York there was a
 21 Chief Compliance Officer.
 22 Q. Who is that?
 23 A. I don't remember his name.
 24 Q. Was it the same --
 25 A. There were a few people.
 103: 1 Q. I'm sorry?
 2 A. There were a few people, over
 3 the years.
 4 Q. Over the years?
 5 A. Yes.
 6 Q. Do you recall any of their
 7 names?
 8 A. No.
 9 Q. Did you ever receive any
 10 specific training, apart from the
 11 training you described earlier at KBC,
 12 in regard to AML or KYC matters?
 13 A. Yes. I attended -- I attended a
 14 session in Florida regarding BSA and
 15 AML under the major sessions, that they
 16 -- I think one is in Florida and one is
 17 in Las Vegas.
 18 Q. Did ADB have a policy
 19 prohibiting accounts or relationships
 20 with shell companies?
 21 A. I don't know.
 22 Q. Did the bank have a risk-based
 23 assessment of its customer base in
 24 their transactions?
 25 A. I don't know specifically. I
 104: 1 assume the bank had -- had all the
 2 procedures, whatever was needed in the
 3 head office and before an account was
 4 opened Compliance Or the Risk
 5 Department, everyone went through --
 6 had -- the account had to get approval
 7 but I wasn't there and I wasn't a party
 8 to it.
 9 Q. What do you mean you weren't
 10 there and you weren't a party to it?
 11 A. I operated in New York. In order

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Pg: 102 Ln: 6 - Pg: 104 Ln: 21 continued...

Annotation:

104:12 for an account to be opened up in KBC
 13 New York or in ADB head office Antwerp
 14 it had to be vetted, it had to be
 15 vetted for compliance and any and all
 16 other issues according to the
 17 regulatory authorities.
 18 Q. And apart from training, did you
 19 ever interact with the AML KYC people
 20 in the New York branch of KBC?
 21 A. No.

Pg: 107 Ln: 17 - Pg: 110 Ln: 25

Annotation:

107:17 Q. But you were the person at the
 18 New York, the ADB New York office,
 19 responsible for OFAC Patriot Act or AML
 20 issues?
 21 A. Yes, I was the point person. As
 22 whatever information was disseminated I
 23 would make sure I gave it to my people
 24 or sent it to head office, whatever was
 25 appropriate.
 108: 1 (Plaintiff's Exhibit 59, was
 2 received and marked on this date for
 3 identification.)
 4 Q. And flipping back to Exhibit 59,
 5 the front of your binder, do you
 6 recognize this document?
 7 A. Which section, "Dear
 8 Colleagues"?
 9 Q. Start with the first one. There
 10 is two documents included within this
 11 exhibit.
 12 MS. GREDD: Two documents or two
 13 pages?
 14 MR. SULLIVAN: Two pages.
 15 (Whereupon, the Deponent reviews
 16 the document.)
 17 A. I guess this is talking about an
 18 exam, an upcoming exam.
 19 Q. With who?
 20 A. This one is, I guess, with the
 21 New York State -- New York State
 22 Banking Department.
 23 Q. And --
 24 A. And they normally send a
 25 questionnaire.
 109: 1 Q. Is the exam by the New York
 2 State Banking Department of ADB or KBC?

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Pg: 107 Ln: 17 - Pg: 110 Ln: 25 continued...

Annotation:

109: 3 A. I think this is of -- this
4 should be of ADB New York, the
5 representative office.
6 Q. Was KBC involved in anyway in
7 connection with the New York State
8 Banking Department's exam of ADB New
9 York?
10 A. I -- from recollection, I
11 believe that KBC when -- any time if
12 ADB New York had an exam sometimes they
13 -- they had the same compliance section
14 or the same -- the regulatory section,
15 they shared it, so they may have known
16 about it. I don't know -- I wasn't
17 privy to any communication that was
18 directed from the banking regulatory
19 authorities to KBC.
20 Q. In turning to the second page of
21 this exhibit do you see the sentence in
22 the second line that reads, "KBC NY
23 will assist us for the compliance
24 part."
25 A. Yes.
110: 1 Q. What is the compliance part
2 that's referred to?
3 A. It is our procedures for AML,
4 BSA, if we -- you know, if we had a
5 question or we were -- if we wasn't
6 sure if, you know, it was in line we
7 would refer to the Chief Compliance
8 Officer at KBC.
9 Q. How did KBC assist ADB with
10 that?
11 A. They would answer the question.
12 Q. Were you involved in that
13 process? Did you provide information to
14 KBC or assistance of some kind?
15 A. No. I was involved in making
16 sure that all the questions were
17 answered with the assistance of head
18 office, pulling it altogether and, you
19 know, and trying to understand all the
20 responses to the questions that were --
21 that I could understand or be able to
22 respond to when the regulatory
23 authorities came, if a question arose.
24 (Plaintiff's Exhibit 65, was
25 received and marked on this date for

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Pg: 113 Ln: 11 - Pg: 114 Ln: 4

Annotation:

113:11 Q. And going back a moment to your
 12 earlier testimony that clients of ADB
 13 set up what you called mirror accounts
 14 at the New York branch of KBC, who was
 15 responsible for performing AML or KYC
 16 compliance for the activity in the
 17 mirror accounts of those clients?
 18 MS. GREDD: Objection. Asked and
 19 answered.
 20 Q. You can answer.
 21 A. Like I said, it's very clear, it
 22 was absolutely, positively whatever
 23 bank could open up a checking account
 24 it was their responsibility for
 25 compliance. KBC was absolutely
 114: 1 positively responsible for any checking
 2 accounts they opened up and ADB was
 3 also responsible for compliance on any
 4 account that they opened up.

Pg: 127 Ln: 12 - Pg: 128 Ln: 19

Annotation:

127:12 Q. Was it -- to your knowledge, was
 13 it a pre-requisite for opening a bank
 14 account at ADB that a customer sign and
 15 date ADB's general banking conditions?
 16 A. One of the account opening forms
 17 was that form, yes.
 18 Q. And was it a requirement that
 19 the customer sign and date that form?
 20 A. Yes.
 21 Q. And do you know whether Lazare
 22 ever did so in 2001?
 23 A. If they opened the account I
 24 would assume that was one of the
 25 pre-requisites.
 128: 1 Q. But you don't have any
 2 independent knowledge of your own in
 3 that regard?
 4 A. I don't remember all my
 5 client's, the forms they signed, I
 6 didn't keep a record of it.
 7 Q. Is it your understanding that
 8 the banking conditions, the general
 9 banking conditions of ADB are a
 10 separate document?
 11 A. The banking conditions was a
 12 separate document, yes.
 13 Q. And do they -- does the customer

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Pg: 127 Ln: 12 - Pg: 128 Ln: 19 continued...

Annotation:

128:14 have to sign and date in particular
 15 document?
 16 MS. GREDD: Objection to form.
 17 A. The client was given a banking
 18 conditions that he would -- that he was
 19 asked to sign it and date it, yes.

Pg: 140 Ln: 16 - Pg: 142 Ln: 16

Annotation:

140:16 Q. Would you turn to Plaintiff's
 17 Exhibit 69 again, and that would be
 18 binder 2?
 19 A. Yeah.
 20 Q. This is the document that states
 21 on the first page "Bank procedures C08"
 22 and then the bottom "relationship
 23 office New York". Are you looking at
 24 that document?
 25 A. Yes.
 141: 1 Q. Okay. Turning four pages in, and
 2 directing your attention to paragraph
 3 B.2?
 4 A. Right.
 5 Q. Do you see the statement that
 6 reads, "Only diamond industry actors
 7 which are dealers and manufacturers of
 8 diamonds, colored stones and jewelry
 9 can open an account with Antwerp
 10 Diamond Bank rep office New York."
 11 A. Right.
 12 Q. Okay. What type of account could
 13 dealers and manufacturers of diamonds,
 14 colored stones and jewelry open with
 15 Antwerp Diamond Bank rep office New
 16 York?
 17 MS. GREDD: Objection to form.
 18 A. They can open any account. The
 19 only accounts we opened were with ADB
 20 head office, the overdraft facilities
 21 or credit facility accounts out of head
 22 office.
 23 Q. So is this statement in the
 24 document incorrect then?
 25 MS. GREDD: Objection to form.
 142: 1 A. I don't believe -- I don't think
 2 the document was written by someone
 3 whose English is their primary
 4 language.
 5 Q. Is the document -- is the

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Pg: 140 Ln: 16 - Pg: 142 Ln: 16 continued...

Annotation:

142: 6 statement therefore incorrect?
 7 MS. GREDD: Objection to form.
 8 A. I don't know. They cannot open a
 9 checking account, they cannot open up a
 10 credit facility with ADB New York. We
 11 had no checking accounts. If they
 12 established a relationship, you know,
 13 that they would talk to people in New
 14 York, they gathered information. I
 15 think the word is loosely -- is loosely
 16 used or translated.

Pg: 174 Ln: 15 - Pg: 175 Ln: 11

Annotation:

174:15 Q. Well, let's see if it helps to
 16 take a look at Plaintiff's Exhibit 63.
 17 We identified the first page, the
 18 request by Lazare to KBC for a transfer
 19 of \$519 and change?
 20 A. Right.
 21 Q. And we identified the KBC Bank
 22 statement provided by KBC to Lazare
 23 that reflects the payment of 519,000
 24 and change. Turn to the third page,
 25 what is this page? What is this
 document?
 1 A. Looks like the blue slips that
 2 were originated out of head office
 3 Antwerp.
 4 Q. And what is a blue slip? What
 5 do you mean by that term?
 6 A. The blue slip is the client's
 7 account statement that was posted on a
 8 daily basis that was generated on a
 9 daily basis if there was activity in
 10 the account.
 11

Pg: 176 Ln: 8 - Pg: 178 Ln: 2

Annotation:

176: 8 Q. And what information is
 9 contained in this blue slip?
 10 A. That there was a -- it looks
 11 like some type of payment went through
 12 the account debit for \$519,862.56
 13 effective August 20th, 2007.
 14 Q. And does the plus or minus
 15 alongside the number indicate whether
 16 the loan balance was going up or down

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Pg: 176 Ln: 8 - Pg: 178 Ln: 2 continued...

Annotation:

176:17 under the credit facility?
 18 MS. GREDD: Objection to form.
 19 A. Well, the -- I see on the slip
 20 the balance forward it appears to be a
 21 debit for \$41,668,773 and then with the
 22 wire payment going through it's not a
 23 credit, it's a debit, the balance
 24 continues to go up, the debit position
 25 goes up to 42,188,000.
 177: 1 Q. So this document, this blue slip
 2 reflects the wire transfer that is
 3 described in the first two pages of
 4 Exhibit 63, correct?
 5 A. It appears so, yes.
 6 Q. Can you tell from looking at
 7 this blue slip where the payment of
 8 \$519,862.56 was going?
 9 A. I can't tell from this slip, no.
 10 Q. Is there any information that
 11 indicates the identity of the recipient
 12 of the payment?
 13 A. I don't know what the -- there's
 14 numbers below the payment. I don't know
 15 if that refers to it. I don't know.
 16 Q. Is there -- apart from the
 17 balance of the credit facility and the
 18 amount of the payment, is there any
 19 other information at all described in
 20 this document?
 21 MS. GREDD: Objection to form.
 22 A. I don't know what the numbers
 23 below the payment is 00 FTBBO and all
 24 those numbers refer to. I just see
 25 that -- I just see the payment and then
 178: 1 the balance. That's all I see on the
 2 form.

Pg: 192 Ln: 19 - Pg: 193 Ln: 1

Annotation:

192:19 Q. Did ADB need the approval of KBC
 20 to grant credit lines in excess of a
 21 certain amount?
 22 A. I believe they needed -- I
 23 needed -- I believe that ADB did need
 24 KBC above certain amounts but I don't
 25 recall what the amounts were at the
 193: 1 time.

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Pg: 194 Ln: 18 - Pg: 200 Ln: 25

Annotation:

194:18 Q. Will you look at Exhibit 113,
 19 binder 3? Again, this is the two-page
 20 affidavit that you identified earlier
 21 this morning.
 22 A. 113?
 23 Q. Yes.
 24 MR. D'ANGELO: The cover letter.
 25 MS. GREDD: Skip back, and then
 195: 1 your affidavit.
 2 Q. And directing your attention to
 3 paragraph 4 of your affidavit --
 4 A. Yes.
 5 Q. -- describing the search you
 6 conducted at the representative office
 7 for any documents related to bank
 8 deposits or wire transfers into
 9 accounts at DD or KT. Do you see that
 10 reference?
 11 A. Yes.
 12 Q. What did you search in order to
 13 be in a position to sign this
 14 affidavit?
 15 A. I looked at all our records,
 16 whatever I had, whatever I saw as far
 17 as any transfers of DD or KT and I
 18 didn't find anything at the time.
 19 Q. Did ADB New York have documents
 20 relating to Lazare's bank deposits or
 21 wire transfers into an account of DD or
 22 KT?
 23 A. Repeat the question.
 24 Q. Did ADB New York have any
 25 documents relating to bank deposits or
 196: 1 wire transfers by Lazare into an
 2 account of DD or KT?
 3 MS. GREDD: Objection to form.
 4 A. We didn't -- we didn't have
 5 anything. We didn't do wire transfers
 6 in the beginning. We did a few wire
 7 transfers but thereafter, once we
 8 saw the KBC accounts we didn't have
 9 copies of those wire transfers, KBC
 10 did.
 11 Q. And did you have computer access
 12 to any bank account records of Lazare?
 13 A. No, I did not.
 14 Q. Would you look at Exhibit 109,
 15 please?
 16 (Plaintiff's Exhibit 109, was
 17 received and marked on this date for

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Pg: 194 Ln: 18 - Pg: 200 Ln: 25 continued...

Annotation:

196:18 identification.)
19 Q. Are you familiar with FLEXCUBE?
20 A. No.
21 Q. Never heard of it before?
22 A. I heard of it.
23 Q. Do you know what it is?
24 A. It's some type of program in
25 head office in order to look at the
197: 1 information, I never learned how to use
2 it.
3 Q. Directing your attention to the
4 fourth paragraph on the first page of
5 this exhibit, do you see the sentence
6 that reads "Antwerp Diamond Bank will
7 deploy FLEXCUBE in Antwerp Belgium and
8 also provide access to its branch
9 office in New York."
10 A. Yes.
11 Q. There was no branch office in
12 New York, was there, it was a
13 representative office?
14 A. That's correct.
15 Q. And did -- was FLEXCUBE provided
16 to the rep office in New York?
17 A. There was something like
18 FLEXCUBE that you could try -- you can
19 access certain information but I never
20 learned how to use it.
21 Q. Do you know what information
22 FLEXCUBE allows someone to access?
23 A. I don't recall.
24 Q. Can you turn to Exhibit 110,
25 right after this one?
198: 1 (Plaintiff's Exhibit 110, was
2 received and marked on this date for
3 identification.)
4 Q. Do you recognize this document?
5 A. No. It's just an e-mail.
6 Q. This appears to be an e-mail
7 from someone at ADB to Diana David at
8 the New York office of ADB --
9 A. Right.
10 Q. -- dated December 6, 2006?
11 A. Right.
12 Q. And the author is talking about
13 FLEXCUBE?
14 A. A-hum.
15 Q. And in the second to last
16 paragraph do you see where it states,
17 "Another option is that you log onto

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Pg: 194 Ln: 18 - Pg: 200 Ln: 25 continued...

Annotation:

198:18 FLEXCUBE yourself and print the
 19 statements one by one yourselves from
 20 New York office directly to a local
 21 printer."
 22 A. Yes.
 23 Q. Does that refresh your
 24 recollection at all about whether, how
 25 FLEXCUBE operated and what it could be
 199: 1 used for in the New York office of ADB?
 2 A. I never -- I never learned how
 3 to use FLEXCUBE. The other people did
 4 it, I didn't figure it out and I never
 5 used it. So I'm not -- I couldn't
 6 bother with it.
 7 Q. By reference to this document,
 8 do you understand the reference to
 9 statements in the paragraph I just read
 10 to refer to bank statements of clients
 11 of ADB?
 12 MS. GREDD: Objection to form.
 13 A. I guess whatever they're saying
 14 here, they say that, I guess, Diana
 15 could download something but you know,
 16 I'm not disputing what the wording
 17 here, I don't know what to tell you.
 18 Q. Well, while you were at ADB did
 19 anyone in the New York office of ADB
 20 use FLEXCUBE for any purpose?
 21 A. I believe they used FLEXCUBE for
 22 certain information but I don't recall
 23 what information and what they were
 24 downloading or someone had a question
 25 they were trying to follow up a
 200: 1 customer inquiry and maybe they use it,
 2 but I never -- I could never use
 3 FLEXCUBE.
 4 Q. When you conducted the search
 5 for documents that's described in
 6 paragraph 4 of your affidavit, did you
 7 request anyone in the ADB New York
 8 office to use FLEXCUBE to assist you in
 9 that search?
 10 A. I don't recall as far as what I
 11 -- I know I looked in my system. I
 12 don't recall who I asked to help or
 13 what my directions were at the time.
 14 Q. But as of the date you submitted
 15 that affidavit or signed that affidavit
 16 was it possible to use FLEXCUBE to
 17 access documents or data from the New

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Pg: 194 Ln: 18 - Pg: 200 Ln: 25 continued...

Annotation:

200:18 York office of ADB?
19 MS. GREDD: Objection to form.
20 A. I don't know. I wasn't familiar
21 with it so I just looked at what I had
22 and I looked at my computer and the
23 files I had in my office. I looked at
24 whatever I had. I'm not familiar with
25 FLEXCUBE.